

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.: 1:25-CV-21176-DPG

DAVID JANNETTI, SARAH LYN
JANNETTI, ADAM JANNETTI, and
LEAH JANNETTI,

Petitioners,

v.

STIFEL, NICOLAUS & CO., INC.,

Respondent.

**RESPONDENT'S NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF
MOTION TO VACATE ARBITRATION AWARD**

Respondent submits the attached, recent decision by the Director of FINRA Dispute Resolution Services in *Mark Sustana v. Stifel, Nicolaus & Co., Inc.*, FINRA Arb. 25-01756, to exclude an arbitrator for bias and lack of impartiality (**Exhibit A**) as supplemental authority in support of its Motion to Vacate Arbitration Award (Dkt. 27).

In *Sustana*—another arbitration brought by Petitioner's counsel similar to the underlying arbitration here—the Director removed a candidate arbitrator on the ranking list because he earlier awarded “substantial damages and attorneys’ fees” against Stifel in another similar arbitration. The Director explained, “[t]he interest or bias must be definite and capable of reasonable demonstration, rather than remote or speculative,” the earlier arbitration “involved the same Respondent, the same financial advisor, the same supervisors, and the same products,” and “[b]ased on the similarities between the two cases, *it is reasonable to infer that [the arbitrator] may be biased or lack impartiality in the present case.*” (Exhibit A (emphasis added)). The Director removed the arbitrator even though the earlier award did not include punitive damages,

whereas the earlier award here does. The Director's order is relevant to Section II.A of Stifel's Motion. (*See* Dkt. 27 at 12-20).

October 30, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was e-filed this October 30, 2025, and served to counsel of record for all parties via the Court's CM/ECF system.

/s/ Michael N. Kreitzer

MICHAEL N. KREITZER